

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

MARIO CARRION CARRASQUILLO
DAMARIS GONZALEZ FLORES

DEBTORS

CASE NO. 15-07433 MCF

CHAPTER 13

**DEBTORS' MOTION REQUESTING ORDER
RE: RATIFICATION OF THE PARTIAL USE OF FUNDS FROM
2015, 2016 AND 2017 TAX REFUNDS**

TO THE HONORABLE COURT:

NOW COME, MARIO CARRION MORALES and DAMARIS GONZALEZ FLORES, the Debtors, through the undersigned attorney, and very respectfully state and pray as follows:

1. The Debtors' confirmed Chapter 13 Plan provides that Debtors' tax refunds will be paid into the Plan. See: *Amended Chapter 13 Plan* (Docket No. 23) and *Order*, Docket No. 28.

2. That on May 08, 2019 the Chapter 13 Trustee requested (Docket No. 48) and the Debtors submitted to the Trustee (Docket No. 49) a copy of their 2015, 2016 and 2017 tax returns.

3. That the Debtors received the following tax refunds for the following years:

| | |
|---------|------------|
| ---2015 | \$772.00 |
| ---2016 | \$985.00 |
| ---2017 | \$1,224.00 |

4. That the Debtors respectfully state that they used these funds from the aforementioned tax refunds for "reasonable and necessary" expenses. However, the Debtors forgot to request prior Court authorization for the use of these funds.

5. That the Debtors respectfully submit to the Court that they used these funds to cover for the following expenses:

- 2015 \$772.00; tax refund used to cover high school graduation expenses for their son.
- 2016 \$985.00; tax refund used to cover university (college) expenses for their son.
- 2017 \$1,224.00; tax refund used to cover high school graduation expenses for their daughter and to purchase a new refrigerator after the passage of hurricane Maria through Puerto Rico.

6. The Debtors hereby respectfully submit to this Honorable Court that they are a family of five (5) (the Debtor, the Joint Debtor and their three minor age children) living with a basic (low) income and managing a very tight family budget.

7. Therefore, the Debtors respectfully request that the Court ratify that the use of the funds from the 2015, 2016 and 2017 tax refunds received by the Debtors during the life of the Plan, is to be considered to having been used by the Debtors for "reasonable and necessary expenses", and not to be used for the confirmed Plan funding. 11 U.S.C. Section 105.

8. Based on the above-stated, the Debtors respectfully request this Honorable Court to Order the ratification of the use by the Debtors as previously stated of their 2015, 2016, and 2017 tax refunds.

WHEREFORE, the Debtors, through the undersigned attorney respectfully request that this Honorable Court grant the foregoing motion and allow the ratification of the use of

funds from the 2015, 2016 and 2017 tax refunds by the Debtors, in the above captioned case.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee; I also certify that a copy of this motion was sent via US Mail to Debtors to their address of record.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 20th day of August, 2019.

/s/ Roberto Figueroa Carrasquillo
ROBERTO FIGUEROA CARRASQUILLO
USDC #203614
RFIGUEROA CARRASQUILLO LAW OFFICE PSC
ATTORNEY for the DEBTORS
PO BOX 186 CAGUAS PR 00726
TEL NO 787-744-7699 FAX 787-746-5294
Email: rfg@rfigueroalaw.com